

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTEFAN BERNARDINO CHAVEZ,

Defendant.

8:23CR66**ORDER**

This matter is before the Court on defendant Estefan Bernardino Chavez's ("Chavez") *pro se* "2255: Motion to Set Aside, Correct, Vacate Sentence" (Filing No. 93-1). *See* 28 U.S.C. § 2255. On May 2, 2025, the Court granted (Filing No. 97) Chavez's request to extend the time for him to amend or support his § 2255 motion. The Court gave him until June 5, 2025, to do that, advising him that no further extensions would be granted. The Court also reminded him that if he took "no further action on his motion in the time allowed, the Court [would] rule on his request for post-conviction relief as is without further notice."

Today is June 25, 2025. The deadline for Chavez to amend or further support his motion has passed. Because that window has closed, Chavez's submission will be limited to his original motion (Filing No. 93-1) and the additional briefing he provided in support of his request for an extension (Filing No. 96).

Though his ineffective-assistance claims perhaps remain a bit thin, the Court is unable to say that "it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that [Chavez] is not entitled to relief." Rule 4(b), Rules Governing Section 2255 Proceedings for the United States District Courts. As such, his motion warrants a response from the government. *See id.*; 28 U.S.C. § 2255(b).

IT IS THEREFORE ORDERED:

1. The United States Attorney must file an answer or other response to Chavez's § 2255 motion and supporting briefing on or before July 28, 2025.
2. The Court will determine whether an evidentiary hearing is required after reviewing the government's response.

Dated this 25th day of June 2025.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge